

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

TERRY DEAN BIRTS,
REG. # 25710-009

PETITIONER

v.

2:13CV00129-KGB-JJV

ANTHONY HAYNES, Warden,
FCI-FORREST CITY

RESPONDENT

ORDER

Pending before the Court is Mr. Birts's Motion to Hold in Abeyance a Previously Filed Motion Pursuant to Title 28 U.S.C. § 2254. (Doc. No. 8.) The United States Attorney has responded (Doc. No. 9) asserting the proper respondent is the Attorney General for the State of Arkansas. The Court agrees. The Petitioner is not challenging the conditions of his confinement at FCI or the execution of his federal sentence. Instead, he is challenging his September 2011 conviction in Pulaski County Circuit Court. (Doc. 1 at 1.) Therefore, the United States Attorney is not the proper attorney of record and should be relieved.

The Clerk of the Court shall serve a copy of the Petition for Writ of Habeas Corpus (Doc. No. 1) and this Order on the Respondent and the office of the Arkansas Attorney General by regular mail. Respondent shall file an answer, motion, or other pleading responsive to the Petition, in conformity with Rule 5 of the Rules Governing Section 2254 Cases in the United States District Court, within forty (40) days after service of this Petition, exclusive of the day of service. Respondent shall also address Mr. Birts's Motion (Doc. No. 8) in its response.

IT IS SO ORDERED this 20th day of November, 2013.



JOE J. VOLPE
UNITED STATES MAGISTRATE JUDGE